

## § 728.91

## 32 CFR Ch. VI (7–1–03 Edition)

the local area. Under no circumstances will military personnel be voluntarily used to guard or control such prisoners. Upon completion of emergency care, make arrangements for immediate transfer of the prisoners to a non-military MTF or for return to the facility to which sentenced.

(3) *Enemy prisoners of war and other detained personnel.* Subject to the provisions of § 728.3, enemy prisoners of war and other detained personnel are entitled to and may be rendered all necessary medical and dental care.

(c) *Charges and collection.* Care provided individuals enumerated in § 728.83(b)(1) (ii), (iv), and (2) is on a reimbursable basis. Complete and submit, per subpart J, a DD 7 (Report of Treatment Furnished Pay Patients, Hospitalization Furnished, part A) or DD 7A (Report of Treatment Furnished Pay Patients, Outpatient Treatment, part B) when outpatient or inpatient care is rendered.

### Subpart H—Adjuncts to Medical Care

#### § 728.91 General.

Adjuncts to medical care include but are not limited to prosthetic devices such as artificial limbs, artificial eyes, hearing aids, orthopedic footwear, spectacles, wheel chairs, hospital beds, and similar medical support items or aids which are required for the proper care and management of the condition being treated. Generally, expenses incurred for procurement of such items, either from civilian sources as supplemental care or from stocks maintained by the facility, are payable from operation and maintenance funds available for support of naval MTFs. However, certain adjuncts may be cost-shared under CHAMPUS for CHAMPUS-eligible individuals under circumstances enumerated in the cooperative care or services criteria of § 728.4(z).

#### § 728.92 Policy.

(a) Provide adjuncts to medical care to eligible beneficiaries receiving inpa-

tient or outpatient care when, in the opinion of the attending physician, such adjuncts will offer substantial assistance in overcoming the handicap or condition and thereby contribute to the well-being of the beneficiary.

(b) Unless necessary for humanitarian reasons, do not furnish orthopedic and prosthetic appliances on an elective basis to members of the naval service with short periods of service remaining when the defect requiring the appliance existed prior to entry into service and when such members will be separated from the service because of these defects.

(c) For active duty members, make the initial allowance of orthopedic footwear and orthopedic alterations to standard footwear the same quantity as provided in the initial clothing allowance.

(d) Base the number of orthopedic and prosthetic appliances issued or replaced for other authorized recipients upon the individual's requirements as determined by the attending physician to be consistent with the highest standards of modern medicine.

(e) Former members of the uniformed service should be advised that they may obtain durable medical equipment, medical care, and adjuncts from Veterans Administration facilities.

(f) Dependents are authorized certain adjuncts per §§ 728.31 (c) and (d) and in instances where items are not normally authorized at the expense of the Government, they may be provided at cost to the United States if available from Government stocks under the following conditions:

(1) Outside the United States.

(2) At specific stations within the United States which have been authorized by the Secretary of the Navy to sell these items.

#### § 728.93 Chart of adjuncts.

The following chart and footnotes provide information relative to adjuncts which may be furnished the several categories of beneficiaries eligible for medical care at naval MTFs.

## Department of the Navy, DoD

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Adjuncts	Active duty and retired members	Others authorized the same benefits as active duty or retired members <sup>(2)</sup>	Dependents authorized the same benefits	Other beneficiaries <sup>(8)</sup>
Ambulance service .....	Yes .....	Yes .....	Yes <sup>(1)</sup> .....	No
Artificial eyes .....	Yes .....	Yes .....	Yes .....	Maybe <sup>(3)</sup>
Artificial limbs .....	Yes .....	Yes .....	Yes .....	Maybe <sup>(3)</sup>
Contact or special lenses <sup>(11)</sup> .....	Yes <sup>(4)</sup> .....	Yes <sup>(4)</sup> .....	Maybe <sup>(2)</sup> (4) <sup>(6)</sup> .....	No
Crutches <sup>(7)</sup> .....	Yes .....	Yes .....	Yes .....	Yes
Dental prostheses .....	Yes .....	Yes .....	Maybe <sup>(9)</sup> .....	Maybe <sup>(9)</sup>
Elastic stockings .....	Yes .....	Yes .....	Yes .....	Yes
Hearing aids <sup>(10)</sup> .....	Yes <sup>(5)</sup> .....	Yes <sup>(5)</sup> .....	Maybe <sup>(2)</sup> .....	Maybe <sup>(3)</sup>
Hearing aid parts and batteries .....	Yes <sup>(10)</sup> .....	Yes <sup>(10)</sup> .....	Maybe <sup>(2)</sup> (10) .....	No
Hospital beds <sup>(7)</sup> .....	Yes .....	Yes .....	Yes .....	Yes
Joint braces .....	Yes .....	Yes .....	Yes .....	Yes
Orthopedic footwear .....	Yes .....	Yes .....	Maybe <sup>(2)</sup> .....	Maybe <sup>(3)</sup>
Prosthetic devices, other <sup>(7)</sup> .....	Yes .....	Yes .....	Maybe <sup>(2)</sup> .....	No
Respirators and inhalators <sup>(7)</sup> .....	Yes .....	Yes .....	Yes .....	Yes <sup>(1)</sup>
Resuscitators <sup>(7)</sup> .....	Yes .....	Yes .....	Yes .....	Yes <sup>(1)</sup>
Spectacles .....	Yes .....	Yes .....	Maybe <sup>(2)</sup> (6) .....	No
Walking irons <sup>(7)</sup> .....	Yes .....	Yes .....	Yes .....	Yes
Wheel chairs <sup>(7)</sup> .....	Yes .....	Yes .....	Yes .....	Yes

<sup>1</sup> When considered medically appropriate by the attending physician.

<sup>2</sup> See § 728.92(f).

<sup>3</sup> Outside the United States and at designated remote stations when considered medically appropriate by the attending physician.

<sup>4</sup> Contact or special lenses are not to be issued solely for cosmetic reasons. Further guidelines are contained in NAVMEDCOMINST 6810.1.

<sup>5</sup> In addition to the hearing aid, include in initial issue one spare receiver cord, approximately 1 month's supply of batteries, and a statement indicating make, model, type of receiver, serial number, code, part numbers, "B" battery voltage, and type of "A" and "B" batteries, as appropriate. Provide replacement of hearing aids upon the same basis as initial issue and, except in unusual circumstances, will not be replaced within 2 years of the initial furnishing or the last replacement of the appliance.

<sup>6</sup> Spectacles, contact lenses, or intraocular lenses may be provided dependents with eye conditions which require these items for complete medical or surgical management of a condition other than ordinary refractive error. For further information, consult NAVMEDCOMINST 6810.1.

<sup>7</sup> May be loaned on a custody basis at the discretion of the attending physician.

<sup>8</sup> See subpart of this part relating to specific beneficiary.

<sup>9</sup> When considered by the attending physician and dentist to be an adjunct to a medical or surgical condition other than dental and when in consonance with existing legislation and directives.

<sup>10</sup> For further guidelines, consult BUMEDINST 6320.41B.

<sup>11</sup> Includes intraocular lenses required for implantation upon removal of cataracts.

### Subpart I—Reservists—Continued Treatment, Return to Limited Duty, Separation, or Retirement for Physical Disability

#### § 728.101 General.

(a) *Notice of eligibility (NOE).* While the NOE is basically a document that substantiates entitlement to a disability benefit equal to pay and allowances, it may be accepted when required to substantiate eligibility for benefits other than pay and allowances, i.e., treatment in USMTFs under the provisions of title 10, United States Code.

(b) *Physical disability benefits.* The following, excerpted and paraphrased from SECNAVINST 1770.3, paragraph 10, is applicable when a reservist may be entitled to physical disability benefits.

(1) When a notice of eligibility (NOE) has been issued to a member hospitalized in a naval MTF and the attending

physician is of the opinion that recovery is not anticipated or that the reservist is not expected to be fit for return to full duty within a reasonable period, a medical board will be convened and the case managed the same as that of a Regular member. Assure that a copy of the NOE accompanies the medical board report forwarded to the Central Physical Evaluation Board. Disability benefits, equal to pay and allowances, will continue in such instances until final disposition.

(2) There is no limited duty status, per se, for inactive reservists. However, if the attending physician determines that a reservist is temporarily unfit for full duty, but will be fit for full duty following a period of convalescence or following duty with physical limitations, not to exceed 6 months, the physician may return the reservist to duty with a summary of the hospitalization or treatment. The summary will set forth the limitations posed by the member's disability and the period of